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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,647	07/25/2003	Kaori Oki	03500.017432	1415
5514 7590 07/09/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
QIN, YIXING				
ART UNIT		PAPER NUMBER		
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07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,647

Applicant(s)

OKI ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 4/4/08, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 4/4/08 have been fully considered but they are not persuasive. The arguments are directed towards controlling a printer on a local interface. However, the idea of locality (assumed here to mean proximity) is not defined as a certain distance. Just because the technical support machines of Kodimer exists on a network connected through a modem/router or WWW doesn't necessarily mean it would not be considered local. For the sake of argument, this setup can simply exist in an office building (it is known to have in-house tech support). Thus, it is not believed that the usage of a local interface is able to distinguish the present claims from the Kodimer invention.

In addition the calling issuing and transferring functions/units has been shown in the previous rejection and those are still believed to be relevant and can be considered performed locally.

The 112 rejection has been withdrawn and a new reference, Gase (U.S. Patent No. 5,580,177) is used to show driver installation for a plurality of printers. If the driver is not updated or appropriate for a particular printer, then a new driver is downloaded from an outside file server.

This rejection is made final. Please see the rejection below for more detail.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 9 and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Kodimer et al (U.S. Patent No. 6,003,078)

Regarding claims 1, 6, 11, Kodimer discloses an information processing apparatus connected to a peripheral device by using a local interface, comprising:

A display unit that displays an instruction input section which can input or instruct a command that corresponds to the local interface and is used for controlling an operation of the peripheral device onto a display screen via a Web browser; (Figs. 16, 17 show available functions to perform on a copier through an user interface. The interface is a browser)

a recognizing unit that recognizes the operation instructed or inputted by the instruction input unit displayed by the display unit; (Fig. 18, item S1807, 1809 – maintenance or diagnostic command is recognized)

a calling unit that calls a general program corresponding to the operation in response to the operation recognized by the recognizing unit; (Fig. 18 is a flow chart for execution of the functions in S1810)

an issuing unit that issues the command which can be interpreted by the peripheral device and corresponds to the local interface in response to execution of the control program called by the calling unit; (Fig. 18, item S1810) and

a transfer unit that transfers the command issued by the issuing unit to the peripheral device. (Fig. 18, item S1810 also shows that the copier receives the maintenance or diagnostic instructions)

Regarding claims 4, 9, Kodimer discloses an apparatus according to claim 1, further comprising obtaining unit that waits for and obtains an execution result in the peripheral device of the command issued by the issuing unit, (Fig. 18, S1811 and column 11, line 60 – column 12, line 3) and

wherein when the obtaining unit obtains the execution result of the command issued by the issuing means, the display unit dynamically displays the execution result of the command onto the display screen. (Fig. 18, S1811 and column 11, line 60 – column 12, line 3 column 11, lines 17-26 discloses that this information is displayed)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kodimer et al (U.S. Patent No. 6,003,078) in view of Gase (U.S. Patent No. 5,580,177)

Regarding claims 2 and 7, Kodimer discloses the performing of diagnostics for one copier.

It does not explicitly disclose "plurality of other peripheral devices can be connected to said information processing apparatus,

wherein said information processing apparatus further comprises a selecting the unit that selects one peripheral device serving as an operation target from among the peripheral device and the plurality of other peripheral devices, and

wherein said display unit displays the display screen corresponding to the one peripheral device in response to the selection by said selecting unit."

However, Gase discloses in Fig. 2 and column 4, lines 39-56 various printers can be selected from a list and their drivers can be updated. Fig. 2 shows a display screen where any number of printers can be selected.

Kodimer and Gase are combinable because are in the art of maintenance of various printing equipment on a network .

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be able to diagnose plural printers.

The motivation would have been to expand the capabilities of the Kodimer system to be able to work with networks with plural peripheral devices that need maintenance.

Therefore, it would have been obvious to combine Kodimer and Gase to obtain the invention as specified.

Regarding claims 3, 8, Kodimer discloses said issuing unit is controlled by a program for issuing a predetermined printer control command, (Fig. 18, item S1810) wherein said information processing apparatus further comprises a discriminating unit that recognizes a type of the one peripheral device in response to the selection by said selecting unit and discriminates whether the program for issuing the predetermined printer control command can issue a command corresponding to the recognized type of the one peripheral device, (Gase discloses in Fig. 3a, that a proper driver has to be chosen to be sent to a printer based upon the driver in the client and the server) and

wherein if said discriminating unit discriminates that the program for issuing the predetermined printer control command cannot issue the command corresponding to the recognized type of the one peripheral device, a program for issuing a new printer control command is downloaded from outside said apparatus (Again, Gase discloses in Fig. 3a item 78 that a driver is loaded from a outside file server)

III. Claims 5 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kodimer et al (U.S. Patent No. 6,003,078) in view of Sugiura et al (U.S. Patent No. 5,177,505)

Regarding claims 5, 10, the Kodimer reference discloses various maintenance and diagnostic functions.

It does not explicitly disclose "wherein the command is a cleaning command for cleaning nozzles of a printing mechanism provided for a printer serving as a peripheral device, and when execution of the cleaning command of the printer has normally been finished, the display unit displays a message indicative of the normal end onto the display screen"

However, Sugiura discloses in column 4, lines 39-63 their invention discloses an apparatus/method/program for cleaning a print head.

Kodimer and Sugiura are combinable because Sugiura discloses a known function that can be implemented into the Kodimer invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have had a nozzle cleaning operation in the Kodimer invention.

The motivation would have been to expand the capabilities of the Kodimer inventions to provide more maintenance/diagnostic functions.

Therefore, it would have been obvious to combine Kodimer and Sugiura to obtain the invention as specified.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625